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## Notice of Allowability

Application No.

09/976,333

Examiner

Ting Zhou

Applicant(s)

HAWKINS ET AL.

Art Unit

2173

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/24/04 and 3/31/05.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☒ The drawings filed on 24 August 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>1/26/2005</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **DETAILED ACTION**

1. Claims 1-30 are pending.
2. Applicant's amendments filed on 31 March 2005, clarifying the claim language of "a menu" in the independent claims by replacing "a menu" with "a menu of the plurality of menus", as agreed upon during the interview conducted on 22 March 2005 (Interview Summary PTOL 413 filed on 5 April 2005) have been received and entered.
3. As agreed upon during the interview conducted on 22 March 2005 (Interview Summary PTOL 413 filed on 5 April 2005), the examiner withdraws the previous final rejection filed on 7 December 2004.

### ***Allowable Subject Matter***

4. Claims 1-30 are allowed.
5. The following is an examiner's statement of reasons for allowance: The present invention teaches a method of navigating among a plurality of menus of a handheld device via a cursor. Each independent claim identifies the distinct feature of a second button, wherein when the cursor is highlighting one of the menus or a first menu item in a menu of the plurality of menus, the second button causes the cursor to navigate from one menu to another; and when the cursor is highlighting a menu item other than the first menu item in a menu of the plurality of menus, and

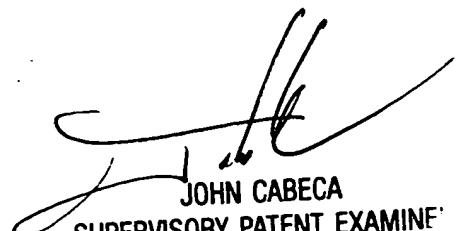
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no selection command has been received for the menu, the second button causes the cursor to navigate within the menu. The closest prior art, Ghassabian U.S. Publication 2004/0047505, teaches a handheld device comprising a menu bar including a plurality of menus, a set of items associated with each menu of the plurality of menus, a display button to cause the menu bar including the plurality of menus to be displayed, a first scroll button to cause a cursor to navigate within a menu when no selection command has been received for the menu, and to highlight a desired menu item within the menu. The prior art fails to teach a first button to cause a cursor to navigate within a menu when no selection command has been received for the menu and a second single button that performs two functions: causes the cursor to navigate from one menu to another and to navigate within the menu when no selection command has been received for the menu. The prior art thus fails to anticipate or render the above limitations obvious.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.



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